

UNITED STATES COURT OF APPEALS

JUN 12 2003

TENTH CIRCUIT

PATRICK FISHER
Clerk

MILTON VERAN WILLIAMS,

Plaintiff - Appellant,

v.

THE CITY OF GUTHRIE,
OKLAHOMA; LOGAN COUNTY
DISTRICT ATTORNEY; LOGAN
COUNTY SHERIFF'S
DEPARTMENT; MARVIN QUINN,
Oklahoma Indigent Defense System;
VINCENT ANTONIOLI, Logan
County District Attorney; REX
BROWN; MARK BRUNING;
RICHARD FULTON; MIKE
COURTRIGHT; DEXTER PUGH;
DAVID TUCKER; STEVE MIZE;
TUCKER HODGSON,

Defendants - Appellees.

No. 02-6332
(D.C. No. CIV-01-1918-C)
(W.D. Okla.)

ORDER AND JUDGMENT*

*After examining appellant's brief and the appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2) and 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This Order and Judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Before **EBEL, HENRY** and **HARTZ**, Circuit Judges.

Plaintiff Milton Veran Williams is currently incarcerated in the Cimarron Correctional Facility in Cushing, Oklahoma. Proceeding pro se, he filed the instant action asking the Western District of Oklahoma to issue a temporary restraining order or preliminary injunction enjoining the Defendants “from transporting him or housing him and from adjudicating claims against him pending in ‘the Logan County Court arena.’” (Magistrate’s Report and Recommendation at 1.) He also requested an order “‘prohibiting Defendants or their agents from further retaliation against Plaintiff.’” (*Id.* (quoting Motion for TRO at 1).) He alleges that the Defendants previously violated his constitutional rights and will do so again if he is transferred back to “the Logan County Court arena.”

The Magistrate Judge recommended that Plaintiff’s motion be denied, finding that “Plaintiff has wholly failed to carry his burden of proof and persuasion.” (*Id.* at 2.) The district court adopted the Magistrate’s Report and Recommendation in its entirety and denied Plaintiff’s motion. (Slip Op. at 2.)

We review a district court’s denial of a preliminary injunction or a temporary restraining order for abuse of discretion. Duvall v. Keating, 162 F.3d 1058, 1062 (10th Cir. 1998). For substantially the reasons stated in the Magistrate’s Report and Recommendation, we find that the district court did not

abuse its discretion and AFFIRM its denial of Plaintiff's motion. Plaintiff's motion to proceed without prepayment of the appellate filing fee is GRANTED; Plaintiff must continue making payments until the entire filing fee is paid. Plaintiff's motion to file a supplemental brief is GRANTED. All other pending motions are DENIED.

ENTERED FOR THE COURT

David M. Ebel
Circuit Judge